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DEPARTMENT OF COMMERCE
National Telecommunications and Information Administration
Broadband Technology Opportunities Program

Tuesday, November 24, 2009

SUMMARY: This draft represents the official response to NTIA's RFI dated 11/16/2009 seeking public comment on issues related to the implementation of BTOP. The City of Ammon submitted a BTOP application on 8/20/2009, and the following comments are based on our experience thus far with the submittal and review process, as well as our general broadband experience and resulting conclusions. The format and organization of this response is meant to correlate as closely as possible with the specific questions and categories presented in the RFI.

COMMENTS:

I. The Application and Review Process

A. *Transparency and Confidentiality: Should the public be given greater access to application data submitted to BIP and BTOP?*

RESPONSE: Yes. There should be no incentive for confidentiality. Consider: The funds are public. The networks are to be 'open'. Since the stated goals and priorities include innovations that are easily reproducible and scalable. True intellectual property and invention is protected through patents.

D. *NTIA Expert Review Process: Should we consider using solely Federal or contractor staff?*

RESPONSE: This is not as important as assuring that the review process is not tainted by personal or industry bias. One solution might be to use reviewers employed in the public sector.

II. Policy Issues Addressed in the NOFA

A. *Funding Priorities and Objectives.*

4. *Other Changes: How might the agencies best leverage existing broadband infrastructure to reach currently unserved and underserved areas?*

RESPONSE: This question, and many of the other questions asked through this section dealing with Policy Issues is the key area Ammon would like to comment on.

In response to the Policy Issues, we respectfully submit that the BTOP goals and priorities concerning sustainability and innovation are not supported by the current approach. Projects focusing on these aspects will likely be overlooked in favor of infrastructure projects.

The difficulties surrounding such definitions as unserved and underserved and broadband, as well as the concern with interconnection and nondiscrimination requirements demonstrate that current broadband policy misses the mark. Leveraging all existing broadband facilities should be a priority. This can only be accomplished through policy. Continuing to fund facility overbuilds will not leverage existing investments.



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If policy shifts to a rational approach and separates transport from service, it becomes possible to change the incentives for broadband stakeholders. Policy needs to establish clear incentives for facility owners/operators to build a universal broadband network. It needs to create powerful disincentives for transport providers to provide service(s). The resulting policy would be much easier to create, maintain and understand than what we currently have in place. Even the net neutrality discussion would become academic; as such a policy would truly empower the end user to make his or her own decisions when it comes to services, including Internet services.

Based on these conclusions, rather than striving to deal with all of these individual definitions and issues, here is our recommendation:

Require applicants/projects to be 'transport only', or develop and implement an application scoring criteria which favors transport only applications. This would allow for a simplified review and scoring processes as well as creating a genuine incentive for applicants to focus on improving transport and providing access to competition at the service level. It would also do more to further BTOP priorities than any single project by changing the broadband paradigm.

FINAL COMMENT:

Open transport facilities must be the focus for stimulus. The existing broadband policies and application review processes for broadband stimulus funds need to implement elements that advance open networks and the separation of transport from service. Additionally, published timelines for award of funding need to be adhered to, as industry investments are made based on those published announcements. Therefore, when the timeline is extended the stimulus monies do not meet their intended purpose and can become a disincentive if proven to be unreliable.

Thank you for your time and consideration.

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